

**DEPUTATIONS REFERRED FROM THE MEETING OF FULL COUNCIL HELD ON 24
OCTOBER 2019**

Deputations received:

(i) Deputation: Home to School Transport or Students with Special Educational Needs and Disabilities (SEND)

Children as young as 4 or 5 years old, rely on this Service to take them safely to/from the setting named in their Education, Health & Care Plan (EHCP) in line with Statutory Duties* (Appendix 2). Numbers are rising year on year. The previous 4-year Contractor Framework expired in August 2019.

Several years of Contractor consistency created effective links between Schools/Colleges, Parent Carers (& their CYP) and the local Brighton Contractors (Community Transport take many of the children using wheelchairs, some with profound and multiple learning disabilities). Whilst not without glitches, the long-standing system centred around acquired SEND/Autism training & awareness, plus familiarity with pupils individually, which built trust and delivered a reliable service. Crucially:

Each child was recognised as an individual with discreet Core Support Needs, eg living between 2 parents' homes, or being a child who regularly went to Respite (their Care package), or specialist clubs, to enhance Life Skills. This essential community cohesion was recognised as a fundamental factor in 'Whole Child' Wellness and Development, upholding Equalities and City CYP Key Principles.

Drivers and Escorts, supported by back offices, used their common sense and route knowledge to minimise the stress for children, ensure that they arrived on time and ready to learn, and to enable working parents to meet their obligations, or get other young children to school.

When possible, Drivers and Escorts remained with their cohort of children, building up trust and assisting that difficult transition between home/school/home which many youngsters with SEND, especially those with Autism &/or Sensory Processing Difficulties, typically find overwhelming.

In March 2019, a Dynamic Purchasing System/DPS (a bid-down system) to reduce Overspend was proposed by Edge Public Solutions (employed as Advisors in January 2019). A DPS approach had been discussed at Policy, Resource & Growth Committee (11/10/18*). Meeting minutes (Conclusion 7.2) authorised a new framework, but not a DPS (since the simulated desktop exercise did not prove the anticipated savings to the Committee's satisfaction). Nevertheless, a DPS was approved, via Urgency Powers (March 2019) without passing back through PRG or CYP Committees. As a direct result of these changes the transport scheme is failing to safeguard our children.

We Request A Full Cross-Party Scrutiny Group So This Never Happens Again

We ask Councillors from each Party to fulfil your Responsibilities and *personally conduct* a Beginning to End Scrutiny of events, in keeping with your stated civic duties as elected

Councillors. We challenge the logic & validity of the Independent Review: this was again presented as a 'fait accompli'; 'Officers investigating Officers' cannot be 'independent' (every LA is facing Transport issues); Parent Carers do not want to speak with yet more Officers from another Authority when they struggle with their own; Officers will leave once their report is submitted, and there will be no accountability for changes or a safe framework legacy. You are our Councillors & Moral Guardians of Civic Services. Please, **put our City's Children above local Politics**. We must learn how this has gone so shockingly wrong. No more personal cost to our children's physical safety, mental wellbeing and education; or to families; no more 'wait and see if there are incidents'; no more financial cost of outsourcing to '3rd parties' from our City Budget. Councillors, we are beyond apologies, please Act.

There has been a tsunami of Reported Incidents about Safeguarding Issues; vulnerable pupils with no Escort; pupil-pupil assaults; assaults on Escorts/Drivers; vehicles failing basic safety standards (below the "Blue Book"); DBS Certificates not checked, Personal Handling or Training (eg Epilepsy) not in place; Safety Sheets/Risk Assessments not provided to Contractors; distressed pupils self-harming on journeys of up to 90 minutes; waiting 30 minutes or more to get off once at school; children late/disruptive to class, lost planning/teaching time; students losing *significant* learning time while they try to recover from overcrowded stressful journeys, day after day, week after week. Transport/Edge have received *daily* calls and emails from Schools, Parents, Contractors and the PaCC, who have a 6-week Record* of Complaints. Parents report being bullied into "take it or leave it" unsafe solutions amid their fear of losing jobs. Fragile family life/function is disrupted by the impact.

We are concerned that the 2016 Equalities Impact Assessment* was not updated, allegedly not necessary as Eligibility & Process are unchanged. Recruiting Edge operationally (already paid £96,356.68 in just 3 months to date) and devolving responsibility for Equalities and operational decisions from Contractors back to Transport/Edge (meaning no adjustments that incur 'cost' may be made without their agreement) is a wholesale change with grave consequences for our most vulnerable young citizens. This falls shamefully below our City's stated Aspirations & Values*.

Appendix 1: *Documents & Chronology of Meetings/Responses Regarding Home to School Transport Provision for Students with SEND

Brighton & Hove Corporate Plan & City Vision & Values 2015-2019 - [Corporate Plan](#)

The city's vision is the council's vision "Brighton & Hove – the connected city. Creative, dynamic, inclusive and caring. A fantastic place to live, work and visit"

(especially these Priorities: Increasing Equality; Active Citizenship; Children & Young People; Health & Wellbeing; Community Safety & Resilience)

Equalities & Impact Assessment 2016 (CS37 first written 2015, available on request)

Policy, Resources & Growth Committee (Item 64 11th October 2018 Pages 489 – 500)

[https://present.brighton-hove.gov.uk/Published/C00000912/M00008107/\\$\\$ADocPackPublic.pdf](https://present.brighton-hove.gov.uk/Published/C00000912/M00008107/$$ADocPackPublic.pdf)

7.2 Conclusion: approved a new framework and advised against a DPS approach

January 2019

Edge commence work in advisory capacity

March 2019

Urgency Powers applied by Executive Director Families Children & Learning, Pinaki Ghoshal, according to Part 6.2 Part A 7(2) of the council's Constitution, consultation with Chair of Children, Young People & Services Committee, and consent given to procure the Dynamic Purchasing System

Parent Carer Consultation Groups (25/26th June 2019)

<https://paccbrighton.org.uk/wp-content/uploads/2019/07/PaCConnect-transport-minutes-June19.pdf>

Meetings held for all Parents and Carers to attend at Hill Park School and Downs View School.

Information regarding new system, core operating principles and Q&A

Attended by Richard Barker (Transport Manager) and Stuart Cooper (Edge Public Solutions)

Policy, Resources & Growth Committee (Item 16 11th July 2019 pages 255 – 260)

[https://present.brighton-hove.gov.uk/Published/C00000912/M00009322/\\$\\$ADocPackPublic.pdf](https://present.brighton-hove.gov.uk/Published/C00000912/M00009322/$$ADocPackPublic.pdf)

Use of Urgency Powers in Relation to Transport Services for Vulnerable Children and Adults

~~ 25th July Last Day of Summer Term ~~

PaCC Emergency Position Statement (3rd September 2019)

<https://paccbrighton.org.uk/wp-content/uploads/2019/09/Home-to-School-Transport-PaCC-Emergency-Position-Statement-final-3.9.19-4.pdf>

~~ School Term Commences 6th September 2019 ~~

PaCC Document of Concerns on behalf of PaCC Families (11th September 2019)

<https://paccbrighton.org.uk/wp-content/uploads/2019/09/HTST-Short-and-Long-term-issues-Action-Plan.pdf>

Green Party Statement “Parents Need Reassurances This Will Not Happen Again” (17th September 2019)

<https://www.brightonhovegreens.org/2019/09/17/parents-need-assurances-this-will-not-happen-again-say-greens-on-home-to-school-transport-row/>

Official Response from Pinaki Ghoshal (11th October 2019) (may not reach other families)

<https://paccbrighton.org.uk/wp-content/uploads/2019/10/Briefing-on-school-transport-for-PaCC-network-111019.pdf>

Appendix 2



Local authority duties in brief

All duties are set out the Home to school travel and transport for children of compulsory school age: Statutory guidance for local authorities 2014 issued by the Department for Education

Local authorities are required to arrange free, suitable, home to school transport for children of compulsory school age who are 'eligible', to their nearest suitable qualifying school (section 508B of the Education Act 1996).

This law says a child with SEN, a disability or mobility problems that would prevent them walking to their nearest suitable school must get free transport help regardless of distance. An assessment must be made on the child's individual needs. This is set out in set out in Schedule 35 Education Act 1996.

Suitable school transport

The duty on the local authority is to make suitable 'travel arrangements' are defined in section 508B(4) Education Act 1996. The local authority has a duty to provide suitable transport that is "non-stressful". The courts have defined this as transport that enables a child "to reach school without undue stress, strain or difficulty such as would prevent him from benefiting from the education the school has to offer, [...] [and] to travel in safety and in reasonable comfort".

Statutory guidance recommends maximum journey times of 45 minutes for primary-aged children and 75 minutes for secondary.

Staff training

Some parents report that staff on school transport are caring and a full part of their child's education team. In other cases, drivers and escorts may be unaware of children's difficulties and poorly trained to handle their behaviour. Guidance is clear that all staff should have up-to-date training, including

- An awareness of different types of disability including "hidden" disabilities
- An awareness of what might be discrimination.
- Skills to communicate with children with different disabilities and to manage behaviour.

Local authorities must also ensure that the necessary safeguarding checks are carried out.

Other relevant legislation Local authorities must comply with the Equality Act 2010 and the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998, when exercising their home to school transport functions. The Act also places a legal obligation on the local

authorities to comply with the public sector equality duty. This means they must consider how their home to school transport decisions and policies affect people with protected characteristics and must have due regard to the need to: 'advance equality of opportunity for disabled learners' the transport policy must not have a: 'significant negative impact on the ability of disabled students to access education'.

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